

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA,
Plaintiff

vs.

JOSE R. ROMAN-ACOSTA,
Defendant

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Criminal No. 97-0178-001 (PG)

MOTION IN RESPONSE TO MOTION FILED ON APRIL 20, 2007
BY DEFENSE COUNSEL

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ,
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Jeffrey Semidey, United States Probation Officer of this Court, respectfully responding to the motion filed by the defense attorney on April 20, 2007 (Motion to Dismiss For Lack of Jurisdiction). On March 6, 2007, The Probation Office informed the Court of the offender's violations to his supervised release term. Inadvertently, this officer informed the Court that the supervision term expiration date was April 4, 2007. The offender was released from prison on April 21, 2005, to serve a twenty-four (24) month supervised release term; as such the correct expiration date is April 20, 2007. The warrant for the offender's arrest was issued on April 10, 2007 prior to the expiration of the supervised release term. Reference is made to 18 U.S.C. § 3583(l) which states that if a warrant or summons is issued before the expiration of the supervised release term, the term extends beyond the expiration of the supervised release term. Therefore, this Honorable Court does have jurisdiction in this case. Furthermore, the defense attorney was made aware of the error of the expiration date before the filing of his motion.

In San Juan, Puerto Rico, this 20th day of April 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

S/ Jeffrey Semidey
Jeffrey Semidey
U.S. Probation Officer
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CERTIFICATE OF SERVICE

I HEREBY certify that on April 20, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: José A. Ruiz-Santiago, Assistant U.S. Attorney and to Carlos A. Vazquez, First Assistant Federal Public Defender

In San Juan, Puerto Rico, this 20th day of April 2007.

S/ Jeffrey Semidey
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